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NICHOLAS A. TRUTANICH  
 United States Attorney  
 Nevada Bar Number 13644  
 JIM W. FANG  
 Assistant United States Attorney  
 501 Las Vegas Blvd. South, Ste. 1100  
 Las Vegas, Nevada 89101  
 Tel: 702.388.6317 / Fax: 702.388.6418  
 jim.fang@usdoj.gov

*Attorneys for the United States*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL CATES,

Defendant.

Case No. 2:20-mj-519-VCF

**ORDER to Continue the Preliminary  
 Hearing (Second Request)**

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Karen A. Connolly, Esq., counsel for Defendant, that the preliminary hearing in the above-captioned matter, previously scheduled for February 22, 2020, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the potential to resolve this matter before defendant is formally charged by a criminal indictment.

2. This continuance is not sought for the purposes of delay, but to allow the parties to reach a pre-indictment resolution to the matter. In fact, the parties anticipate that the case will be resolved in the near future, thus the continuance is sought to account for the time needed to submit the potential plea agreement for the court's consideration.

3. Defendant is in custody and agrees to the continuance.

4. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

5. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

DATED this 16th day of February, 2021.

NICHOLAS A. TRUTANICH  
United States Attorney

s/ Jim W. Fang  
JIM W. FANG  
Assistant United States Attorney  
Counsel for the United States

s/ Karen A. Connolly  
KAREN A. CONNOLLY, ESQ.  
Counsel for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL CATES,

Defendant.

Case No. 2:20-mj-519-VCF

**FINDINGS AND ORDER**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The parties anticipate that the case will be resolved in the near future, thus the continuance is sought to account for the time needed to submit the potential plea agreement for the court's consideration. The Court finds good cause to continue the hearing to facilitate a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to resolve the case pre-indictment, and to give the court time to consider any potential plea agreement submitted by the parties.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

1           6.       The additional time requested by this stipulation is excludable in computing  
2 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
3 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4           THEREFORE, IT IS HEREBY ORDERED that the preliminary hearings in the  
5 above-captioned matter, previously scheduled for February 22, 2021, at 4:00 p.m., be  
6 vacated and continued to May 26, 2021 at 4:00 PM in LV Courtroom 3D before Magistrate Judge Cam  
Ferenbach.

7           DATED this <sup>18</sup> day of February, 2021.

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10 HONORABLE CAM FERENBACH  
11 UNITED STATES MAGISTRATE JUDGE  
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